IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SIXTEENTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO : 15959 of 2004

Between:

1.B.Uma Reddy W/o. Late B.Venkatram Reddy

2. B.Phridhvi Ram Reddy B.Venkataram Reddy

3. B.Madhu Ram Reddy B.Venkatram Reddy

All are residing at D.No. 8-2-547/1, Road No.7, Banjara Hills, Hyderabad. (Petitioners 2 and 3 are represented by the 1st Petitioner as G.P.A. holder).

..... PETITIONER(S)

AND

The Land Acquisition Officer Cum sub Collector, Jagitial
Karimnagar District.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ order or direction more particularly one in the nature of mandamus declaring the inaction of the respondent in not considering the application dated 2.11.1991 filed under Sec.28 A of the Land Acquisition Act and subsequent applications dated 11.1.1996 and 3.7..04 as illegal arbitrary and violative of the provisions of Sec 28 A of the Land Acquisition Act, consequently direct the respondent to pass appropriate orders or the said applications and pay the compensation for with Hon'ble Court be pleased to pass such other or orders.

For the Petitioners: MR.V.RAVINDER RAO, Advocate

For the Respondent: GP FOR LAND ACQUISITION

The Court made the following :

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ORDER

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Petitioners' land ad-measuring Ac.1-26 guntas in S.No.787 along with other lands in S.Nos.783/B, 784 and 785 situate at Metpally village was acquired by the Government by issuing notification under Section 4(1) of the Land Acquisition Act, 1894 dt. 20-12-1979, in which an award was passed in Award No.E/384/84 dt. 30-5-1986. Since there was a dispute for receiving compensation, the matter was referred to the Sub-Judge, Jagitial (now Senior Civil Judge, Jagitial) under Section 30 of the Act, which was registered as OP No.22/88. The same was disposed of on 29-11-1995 in favour of the husband of the first petitioner and father of 2nd and 3rd petitioners, along with OP No.10/87. Meanwhile, at the request made by land owners in some other survey numbers, the matter was referred to civil court under Section 18 of the Act in OP No.52/88, which was disposed of on 24-7-1991 enhancing the compensation at Rs.50/- per sq.yard and at Rs.1000/- per tree. Aggrieved by the orders passed in OP No.10/87 and 22/86 dt. 29-11-1995, the Defendant No.13 and Defendant No.1 therein carried the matter in further appeals to this court in AS No. 2215/98 and 2216/1998 respectively, which were dismissed on 2-9-2002. Immediately after enhancement of compensation in OP No.52/88, the petitioners filed an application under Section 28-A of the Act on 2-11-1991 for re-determination of the compensation and the Land Acquisition Officer has not re-determined the compensation on the ground that appeals are pending. On disposal of the appeals, the petitioners made another representation for re-determination of the compensation, but so far compensation has not been re-determined, therefore the petitioners filed the present writ petition.

Learned Government pleader for Land Acquisition rightly conceded that the applications filed by the petitioners are still pending and so far no orders have been passed.

In view of the same, the respondent is hereby directed to pass appropriate orders on the applications dt, 1-11-96 and 3-7-2004 said to have been filed by the petitioners in the light of the award passed by the reference court in OP No.52/88 as partly confirmed by this court in AS NO.2314/1991 within a period of six weeks from the date of receipt of a copy of the order.

The writ petition is accordingly disposed of. No costs.

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_____ A.GOPAL REDDY,J

Dt. 16-9-2004

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To

1. The Land Acquisition Officer Cum sub Collector, Jagitial
   Karimnagar District.

2. 2CCs to the Govt., Pleader for Land Acquisition, High Court Buildings, Hyderabad (OUT)

3. 2 CD copies